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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,121	03/31/2004	Orville Jay Potter IV	50037.0232US01	9205
27488	7590	06/06/2005	EXAMINER	
MICROSOFT CORPORATION C/O MERCHANT & GOULD, L.L.C. P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BARBEE, MANUEL L	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/815,121

Applicant(s)

POTTER ET AL.

Examiner

Manuel L. Barbee

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 14-18, 21-25 and 28 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 12, 13, 19, 20, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because in Figure 1, reference sign "106" points to the operating system and not the Application as stated in the specification on page 4, line 3. Further Figure 1 shows the word processor application on the operating system and not on the application part of the memory as stated in the specification on page 4, lines 2-5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

description: "122" referring to an ML editor as shown on page 4, line 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 3, 10, 17 and 24 are objected to because of the following informalities: Claims 3, 10, 17 and 24 each have limitations for "the standardized interface", which lacks antecedent basis. Claims 3, 10, 17 and 24 should be amended to depend from claims 2, 9, 16 and 23 respectively to correct the lack of antecedent basis for "the standardized interface". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7-11, 14-18, 21-25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins et al. (US Patent No. 6,002,868).

With regard to a test case scenario object or providing test methods, as shown in claims 1, 8, 15 and 22, Jenkins et al. teach a test definition tool that is used to create a test definition file (col. 12, line 3 - col. 13, line 28). With regard to a test harness that provides test services, as shown in claims 1, 8, 15 and 22, Jenkins et al. teach diagnostic library components (col. 7, lines 45-57; col. 9, lines 28-52; Fig. 2, diagnostic library components 202). With regard to a test services provider that is arranged to register the system test services from the test harness, as shown in claims 1, 8, 15 and 22, Jenkins et al. teach a front end along with a test engine and a test dispatcher that loads and initializes the diagnostic libraries (col. 8, lines 40-53; col. 10, line 64 - col. 12, line 10). With regard to invoking a particular registered test service from the test harness in response to a request from the test case scenario object test method, as shown in claims 1, 8, 15 and 22, Jenkins et al. teach the front end along with the test engine and the test dispatcher using a test definition file to run particular diagnostic libraries (col. 10, line 64 - col. 12, line 10; col. 15, line 7 - col. 16, line 2).

With regard to the test services provider being used by a plurality of different test harnesses, as shown in claims 2, 9, 16 and 23, Jenkins et al. teach a plurality of diagnostic libraries (Figure 2, diagnostic library components 202). With regard to the standardized interface being used by a plurality of test case scenario objects, as shown in claims 3, 10, 17 and 24, Jenkins et al. teach that the front end can run any test definition file created by an user (col. 13, line 29 - col. 14, line 39). With regard to

registering system test methods before any of the system test services are invoked, as shown in claims 4, 11, 18 and 25, Jenkins et al. teach loading and initializing the diagnostic libraries before running tests (col. 15, lines 28-34). With regard to adding default test services, as shown in claims 7, 14, 21 and 28, Jenkins et al. teach that the front end communicates with a test dispatcher and a test engine (col. 4, lines 45-51).

***Allowable Subject Matter***

6. Claims 5, 6, 12, 13, 19, 20, 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The IBM technical Disclosure Bulletin (NNRD439139) teaches using a test harness along with an interface to pass arguments to the test harness.

Boardman et al. (US Patent No. 6,560,721) teach test case selection.

Gluch (US Patent Application Publication 2004/0220765) teach testing software using high level software, an interface and low level software.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 571-272-2212. The examiner can normally be reached on Monday-Friday from 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mlb  
May 26, 2005

  
MARC S. HOFF  
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